

## **BILL ANALYSIS**

H.B. 4272  
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Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The state immunization registry provides for a variety of consent procedures for participation in the registry that may be burdensome to providers and patients. Additionally, there are inconsistencies in the retention schedule for registry records relating to information following the end of a declared disaster and certain other emergencies. H.B. 4272 seeks to address these matters and make certain revisions to the requirements for information contained in the immunization registry by, among other things, standardizing those consent requirements and establishing a secure online portal through which an individual or the individual's legally authorized representative may request to exclude the individual's immunization records from the registry.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTIONS 1 and 2 of this bill.

### **ANALYSIS**

H.B. 4272 amends the Health and Safety Code to make changes to the state immunization registry requirements for information contained in the registry. Accordingly, the bill does the following:

- removes the requirement for the executive commissioner of the Health and Human Services Commission (HHSC) to determine the period during which applicable information remains in the immunization registry following the end of a declared disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency;
- requires the information instead to remain in the registry for a period of seven years following the end of such an event;
- requires the executive commissioner by rule to develop guidelines and procedures for obtaining the required consent from an individual or the individual's legally authorized representative for continued inclusion in the registry of the information collected beyond that period;
- requires the Department of State Health Services (DSHS) to make a reasonable effort, prior to the expiration of that period, to provide notice to the individual or the individual's legally authorized representative, for an individual:
  - whose immunization history is included in the registry; and

- for whom such required consent for continued inclusion has not been obtained from the individual or the individual's legally authorized representative;
- requires the reasonable effort to include at least two attempts by DSHS to provide such notice by telephone or email, or by regular mail to the last known address of the individual or the individual's legally authorized representative; and
- requires the notice to inform the individual or the individual's legally authorized representative that the individual's immunization records will be removed from the immunization registry on the expiration of that period unless the individual or the individual's legally authorized representative consents to continued inclusion.

The bill requires DSHS to make a reasonable effort to obtain current contact information for written or electronic notices sent by DSHS that are returned due to incorrect address information.

H.B. 4272 expands the requirements for the process established by DSHS to provide an employer of a first responder with direct access to the first responder's immunization information in the immunization registry for verification of the first responder's immunization history to include affirmation by the employer that the first responder is a current employee of the employer.

H.B. 4272 authorizes DSHS to establish a process to provide an immediate family member of a first responder with access to the individual's own immunization information in the registry and requires the executive commissioner of HHSC by rule to develop guidelines to determine the process by which the immunization information of a first responder or immediate family member of a first responder may be accessed.

H.B. 4272 authorizes an individual or the individual's legally authorized representative to request to exclude the individual's immunization records from the registry through a secure portal accessed through the DSHS website.

H.B. 4272 specifies that the fields necessary to populate the immunization registry include a "yes" or "no" field that indicates the patient's consent to be listed in the registry has been obtained and prohibits the fields and applicable data standards relating to a patient's consent to be included in the registry from including demographic information relating to the patient.

H.B. 4272 requires DSHS to develop, as soon as practicable after September 1, 2021, and maintain a secure Internet portal through which an individual or the individual's legally authorized representative may request to exclude the individual's immunization records from the registry.

#### **EFFECTIVE DATE**

September 1, 2021.